

LABOUR DEPARTMENT

The 10th November, 1975

No. 10434-4Lab-75/34312.—In exercise of the powers conferred by sub-clause (b) of sub-section (1) of section 11 of the Trade Unions Act, 1926, the Governor of Haryana hereby appoints all the Courts of District and Sessions Judges in the State of Haryana for the purposes of the said clause for the areas within their respective jurisdiction.

The 21st November, 1975

No. 12944-4Lab-75/34413.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Dalmia Dadri Cement Ltd., Charkhi Dadri :—

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 22 of 1968

between

THE WORKMEN AND THE MANAGEMENT OF M/S DALMIA DADRICEMENT Ltd.,
CHARKHI DADR

AWARD

By order No. ID/4475, dated 19th February, 1968, the Governor of Haryana referred the following dispute between the management of M/S Dalmia Dadri Cement Ltd; Charkhi Dadri and its workmen to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

- (1) Whether the workmen (list attached) who have completed three months service in the company should be made permanent as per Certified Standing Orders of the company ? If so, with what details ?
- (2) Whether the action of the management in not placing Shri Rajinder Kumar, Clerk-cum-Typist in grade II was justified and in order ? If not, to what relief is he entitled ?
- (3) Whether the designations and grades of the workers (list attached) should be fixed ? If so, with what details and from which date ?
- (4) Whether the workers mentioned in the enclosed list should be granted annual increments ? If so, with what details ?

The parties put in their appearance in response to the notice of reference sent to them and filed their pleadings giving rise to the following issues framed,—vide order, dated 19th July, 1968, of Shri K. L. Gosain, the then Presiding Officer, Industrial Tribunal, Haryana. The following, additional issues arising from the pleas of the parties was framed,—vide order, dated 9th August, 1968 :—

- (1) Whether the reference with regard to items numbers 1 and 4 is barred because of the award in reference No. 45 of 1961 and because of settlements, dated 9th September, 1963 and 10th September, 1963, in conciliation proceedings ?
- (2) Whether by reason of award and proceedings in reference No. 45 of 1961 and settlements, dated 9th September, 1963 and 10th September, 1963, the workmen are estopped from raising the demand regarding the grades of workers mentioned in items Nos. 2, 3 and 4 ?
- (3) Whether items Nos. 2 and 3 cannot be adjudicated for the reasons given in preliminary objections in the written statement of the management ?
- (4) Whether the workmen as per list attached with the reference who have completed three months service in the company should be made permanent as per Certified Standing Orders of the company ? If so, with what details ?
- (5) Whether the action of the management in not placing Shri Rajinder Kumar, Clerk-cum-Typist in grade II was justified and in order ? If not, to what relief is he entitled.

- (6) Whether the workers mentioned in the list enclosed with the reference should be granted annual increments? If so, with what details?

Additional Issue.

- (7) Whether the designations and grades of the workers (list given below) should be fixed? If so, with what details and from which date?

No other issue was claimed at any stage of the case, by any of the parties since 19th July, 1968. Issue Nos. 1 to 3 were decided against the management,—*vide* order dated 9th October, 1968 for the detailed reasons stated therein.

An interim award, dated 28th April, 1972 in the matter of dispute No. 1 covered by issue No. 4 was made in terms of the settlement dated 6th October, 1971, arrived at between the parties and sent to the Government, whereby the workmen as mentioned in list Exhibit M. 2 of the interim award were made permanent. Another interim award, dated 15th April, 1969 was made and sent to the Government in respect of dispute No. 2 covered by issue No. 5 as a result of an intimation received from Shri Rajinder Kumar that his dispute had been settled with the management and he was no longer interested in the pursuing his case, and the statement made by Shri V. Kaushik authorised representative for the management that the former had been placed in grade II as desired by him. I now propose to decide issues No. 6 and 7 as under :—

Issue No. 6.

This issue relates to the workmen as mentioned in the list annexure 'A'. The workmen in this connection relied on the report of the Central Wage Board for the Cement Industry made in the year 1959 hereinafter referred as the report fixing the scales of the workmen including the increment admissible to them every year,—*vide* paragraph 13. 1 on page 73. The recommendations contained in this report have undisputably been enforced by the management. The rates of increment admissible to each class of workmen every year are found stated in paragraph 13. 7. 1. Nothing could be urged before me by the learned authorised representative for the management against the report of the Central Wage Board for Cement Industry 1959 as referred to above. Even otherwise there seems to be no justification in with-holding the increments provided by the Wage Board for the benefit of the workmen. I for the reasons stated by me in detail in my order, dated 10th October, 1975 in reference between Shri S. C. Sethi Vs. Kirlosker Oil Engines Ltd. Mathura Road, Faridabad hold the contention of Shri S. N. Bhandari, authorised representative for the management that it was necessary for the workmen to supply the list of the claimant with the notice of demands before the matter was taken to the Conciliation Officer as untenable, I thus entirely agreed with the contention of the authorised representative for the workmen that the workmen who have completed one year of service should be granted annual increment as provided in the report as under from the date of implementation of the report by the management and decide the issue accordingly :—

Annual Increment

(a) Where operatives are monthly rated :	Rs.
E (Unskilled)	1.80
D (Semi-skilled)	2.08
C (Skilled, Lower)	3.90
B (Skilled, Upper)	5.20
A (Skilled, Highly)	6.50
(b) Where operatives are daily rated the equivalent daily rates will be :	
E (Unskilled)	0.05
D (Semi-skilled)	0.08
C (Skilled, Lower)	0.15
B (Skilled, Upper)	0.20
A (Skilled, Highly)	0.25

Issue No. 7.

This issue relates to the workmen as mentioned in the list annexure 'B'. It stands conceded before me that the claim of the workmen other than Parshotam, Hardwari Lal, Birkh Bhan and Mata Din, as mentioned in the list have been satisfied and this Tribunal is required under this issue now to determine the cases of only four workmen Parshotam and others. It has been alleged that whereas Parshotam had been working actually as a Welder he was designated as an Assistant Welder and whereas each one of Hardwari Lal, Birkh Bhan and Mata Din had been actually working as Moulding F. P. Man, he was designated only as a helper and that each one of these four workmen was entitled to the scales of pay of the job actually attended to by him.

Shri Parshotam Lal appearing as W. W. 19 deposed that he had been working as a Welder since 1961 and had been designated and paid as an Assistant Welder in grade 'D' and that in view of his long experience and work as a Welder he should be designated and paid as Welder in grade 'C'. Shri Hari Singh Welder W. W. 20 and Shri Sahib Dayal Welder WW-21, corroborated his case in respect of his having actually worked as a Welder since 1961.

Hardwari appeared as his own witness as W.W. 3 and deposed that he had actually been working as Furnish Fireman for the last 18 years and that he had been designated only as a helper. Mata Din and Birkh Bhan were tendered for cross-examination and no question was put to any of them by the management leading to a presumption that the latter had no objection to their claim. Shri Thakur Dass W.W. 16, Durga Parshad W.W. 24, corroborated the case of all these three workmen while stating that each one of them had been actually working as a Fireman for the last many years. Nothing could be brought in the cross-examination of any of these workmen and the witnesses supporting them, justifying rejection of their testimony as false. No evidence could be led by the management in rebuttal of their statement. The only witness Shri Atam Parkash M.W. 2 could not specifically deny the allegation that each one of these four workmen had been actually working in a job of higher grade and had been designated in the job of a lower grade. He on the other hand admitted that Parshotam worked independently and helpers had been provided to him. There is under the circumstances no rebuttal worth the name of the evidence led by the workmen. There is no justification for denying the workmen the grade of the job actually attended to by him for a long time and the plea of the learned authorised representative for the management that the list of the claimants should have been supplied to the management before the matter was taken to the Conciliation Officer has no merits as already held by me. The second contention that in absence of mention of the designation and grades as claimed by the workmen in the notice of demands and in the reference, relating to this dispute the claim should be rejected as vague has also no substance in view of the details given in list annexure 'B' in respect of the job actually attended to by each workman and the designation held by him at the time of demand.

I, therefore, relying on the statement of Parshotam, Hardwari, Birkh Bhan, Mata Din, Thakur Dass, Durga, Hari Singh and Sahib Dayal W.W.s hold that Parshotam is entitled to be placed in the scale of Welder and each one of Hardwari Lal, Birkh Bhan, Mata Din is entitled to be placed in the scale of Moulding Firemen, with effect from 1st July, 1967 the date of the demands raised by them on the management. I decide this issue relating to dispute No. 3 accordingly.

I accordingly return the award in terms of my findings on issue No. 6 and 7.

Dated the 10th November, 1975.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1704, dated 10th November, 1975.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 10th November, 1975.

ANNEXURE A

S. No.	Name	Father's Name
1	Shri Har Narain	Shri Jai Lal
2	Shri Ram Chander	Shri Mai Ghand

S. No.	Name	Father's Name
3	Shri Ram Singh	Shri Kishan Lal
4	Shri Tek Chand	Shri Harphool
5	Shri Pat Ram	Shri Nanhta
6	Shri Mangroo	Shri Bhuwan
7	Shri Kishan	Shri Munshi Ram
8	Shri Gokal	Shri Matu Ram
9	Shri Mahabir	Shri Tek Chand
10	Shri Rameshwar	Shri Badloo
11	Shri Nihal	Shri Mangtoo
12	Shri Kamla	Shri Jimu
13	Shri Ram Kumar	Shri Nandoo
14	Shri Rama Nand	Shri Sheo Lal
15	Shri Om Narain	Shri Nanhta
16	Shri Phul Singh	Shri Kalu
17	Shri Daya Kishan	Shri Shiri Bhagwan
18	Shri Jagdish	Shri Kishori Lal
19	Shri Sanwaria	Shri Norang
20	Shri Mange	Shri Khubi
21	Shri Rama Nand	Shri Siri Chand
22	Shri Bujan	Shri Udmi
23	Shri Mahabir	Shri Matu
24	Shri Hoshiara	Shri Raje Ram
25	Shri Angna	Shri Chander
26	Shri Ram Chander	Shri Chasi
27	Shri Om Parkash (Ravdhi)	Shri Ram Sarup
28	Shri Jai Lal	Shri Lalman
29	Shri Shera	Shri Kishna
30	Shri Matu	Shri Chet Ram
31	Shri Mir Singh	Shri Chuni Lal
32	Shri Kishan	Shri Chandgi
33	Shri Malka	Shri Hardeva
34	Shri Hazari	Shri Sultan
35	Shri Polhar	Shri Dhanl Ram
36	Sari Prem	Shri Het Ram
37	Shri Bikram	Shri Bindi Lal
38	Shri Sham Sunder	Shri Norang
39	Shri Rattan	Shri Jaimla
40	Shri Balbir	Shri Man Singh
41	Shri Sajan	Shri Puran
42	Shri Prem	Shri Dala
43	Shri Ishwar	Shri Chandu
44	Shri Laxmi	Shri Chhotu
45	Shri Amin Lal	Shri Gangabishan
46	Shri Bhagi	Shri Jug Lal
47	Shri Bal y	S ri Manu
48	Shri Bhag a	S'ri Durga Pd.
49	Shri Bhagwana	Shri Puran
50	Shri Chuni	S ri Bhajan

S. No.	Name	Father's Name
51	Shri Daya Nand	Shri Balla
52	Shri Daya Nand	Shri Deo Ram
53	Shri Om Parkash	Shri Daryao
54	Shri Musaddi	Shri Sheoji
55	Shri Bam Niwas	Shri Sukhdev
56	Shri Ram Niwas	Shri Juhara
57	Shri Shankar	Shri Udmi
58	Shri Sunder	Shri Net Ram
59	Shri Mange	Shri Hari Ram
60	Shri Jai Parkash	Shri Banwari
61	Shri Ram Sarup	Shri Siri Chand
62	Shri Rajmal	Shri Kesho Ram
63	Shri Rameshwar	Shri Sujan
64	Shri Banwari	Shri Harnam
65	Shri Ramphal	Shri Harphool
66	Shri Sat Narain	Shri Kidar Nath
67	Shri Hukam Chand	Shri Tulsi Ram
68	Shri Umrão	Shri Bujan
69	Shri Umed	Shri Bakhtawar
70	Shri Ram Chander	Chhotey Lal
71	Shri Banshi	Shri Nanhta
72	Shri Udmi	Shri Jimmu
73	Shri Sat Narain	Shri Ram Jiwan
74	Shri Randhir	Shri Umda
75	Shri Siri Ram	Shri Bishamber
76	Shri Jai Singh	Shri Mam Raj
77	Shri Gian Deo	Shri Panna Lal
78	Shri Niranjana	Shri Jawala Pd.
79	Shri Om Parkash	Shri Radha Kishan
80	Shri Mahabir	Shri Ganeshi
81	Shri Ganga Bishan	Shri Basheshar
82	Shri Kapoor Singh	Shri Jai Lal
83	Shri Hari Singh	Shri Mal Lal
84	Shri Surta	Shri Mangli
85	Shri Ram Chander	Shri Tuhi Ram
86	Shri Chander	Shri Maru
87	Shri Mohar Singh	Shri Ram Sarup
88	Shri Mohan	Shri Mangtoo
89	Shri Om Parkash	Shri Tek Chand
90	Shri Dhanna	Shri Mir Singh
91	Shri Subhash	Shri Ram Nath
92	Shri Manohar	Shri Mohar Singh
93	Shri Manohar	Shri Rama Nand
94	Shri Raje Ram	Shri Harphool
95	Shri Madho Parshad	Shri Bishamber
96	Shri Nathu	Shri Ishwar Dayal
97	Shri Rameshwar	Shri Ramji Lal
98	Shri Nandoo	Shri Raje Ram
99	Shri Karan Singh	Shri Bhu u
100	Shri Chandgi	Shri Maroo

S. No.	Name	Father's Name
101	Shri Sunder	Shri Suraj Bhan
102	Shri Bhikhu	Shri Sher Singh
103	Shri Devi Sahai	Shri Khubi
104	Shri Dharma	Shri Hari Singh
105	Shri Ram Chander	Shri Shankar
106	Shri Sohan	Shri Khema
107	Shri Umed	Shri Mairam
108	Shri Sumera	Shri Parsa
109	Shri Radha Kishan	Shri Bakhtawar
110	Shri Kameshwar	Shri Jai Lal
111	Shri Raghbar Dayal	Shri Minto
112	Shri Santoo	Shri Bakhtawar
113	Shri Om Parkash	Shri Ram Sarup
114	Shri Sat Narain	Shri Ganga Ram
115	Shri Singhoo	Shri Sheo Karan
116	Shri Pamna Lal	Shri Mehtab
117	Shri Murari	Shri Ganeshi
118	Shri Ram Narain	Shri Puran
119	Shri Bhima	Shri Mohan Singh
120	Shri Raghbir	Shri Dani
121	Shri Murtidhar	Shri Bishamber
122	Shri Ram Kumar	Shri Chhelu
123	Shri Richhpal	Shri Chandgi
124	Shri Mansa Ram	Shri Datta Ram
125	Shri Puran	Shri Richhpal
126	Shri Onkar	Shri Daya Ram

DEMAND NO. 3

Annexure B

	Working at present	Designation
1. Shri Om Parkash	Store issue Boy and Peon.	Store Mazdoor
2. Shri Nihal Singh	Do	Do
3. Shri Kaul Pattar	Do	Do
4. Shri Pat Ram	Loco Driver	Loco Fireman
5. Shri Ram Lal	Oil Man	Helper
6. Shri Hari Singh	Do	Do
7. Shri Pyare Lal	Jamadar	Sweeper
8. Shri Thamboo Ram	Pattern Maker	Carpenter
9. Shri Gorkha	Cable Jointer	Elp. Helper
10. Shri Daya Kishan	Ledger Clerk	Store Clerk
11. Shri Murari Lal Bikaneria	Sr. Cr. Clerk	Cr. Clerk
12. Shri Jagdish Kumar	Welder	Assistant Welder

13. Shri Parshotam	Welder	Assistant Welder
14. Shri Rajinder Kumar	Do	Do
15. Shri Harnam	Jamadar	Gangman
16. Shri Kanshi Ram	Oilman	Helper
17. Shri Hardwari Lal	Moulding F. P. Man	Do
18. Shri Birakh Bhan	Do	Do
19. Shri Mata Deen	Do	Do
20. Shri Bakhtawar	Jamadar	Gangman
21. Shri Roop Kishore	Turner	Assistant Turner
22. Shri Nihala	Loco Helper	Helper

The 26th November, 1975

No. 13227-ASOL-75/34331.—In the Haryana Government Notification No. 11526-ASOL-75/33337, dated 11th November, 1975, the following corrections shall be made :—

the words, plus 33½% N. P. A., shall be omitted ; and
for the word, (Forenoon), the word, (Afternoon), shall be substituted.

P. P. CAPRIHAN, Commissioner and Secy.

INDUSTRIES DEPARTMENT

The 25th November, 1975

No. 9428-21B(I)-75/41100.—In pursuance of the provisions of sub-section (I) of section 7 of the State Financial Corporations Act, 1951 (Act LXIII of 1951), the Governor of Haryana on the recommendations of the Board of Directors of the Haryana Financial Corporation based upon the advice of the Reserve Bank of India, hereby guarantees the repayment of the principal and payment of interest at 6½ per cent per annum in respect of the 9th issue of the Bonds of the value upto Rs. 82.50 lakhs (Rupees eighty two lakhs and fifty thousand only) by the Haryana Financial Corporation in the year 1975 at the issue price of Rs. 98.85 for every Rs. 100 and maturing on the expiry of ten years.

M. C. GUPTA, Commissioner and Secy.

REVENUE DEPARTMENT

The 20th November, 1975

No. 7503-R-4-75/34385.—In exercise of the powers conferred by sub-section (2) of section 8 of the Punjab Pre-emption Act, 1913, the Governor of Haryana hereby declares that no right of pre-emption shall exist with respect to sale of land, described in the schedule below made on the 2nd May, 1974, in favour of the Leprosy Rehabilitation Society, Bethany Village, P. O. Ganuar, district Sonapat, being utilised for rehabilitating the ex-leprosy patients :—

SCHEDULE

District	Tehsil	Revenue Estate	Khasra Nos.	Area
				K. M.
		Baay $\frac{9}{25/2}$	$\frac{10}{21, 22, 23}$	$\frac{7/32 \text{ of } 9}{26}$ 30—6
Sonapat	Sonapat			

S. D. BHAMBRI, Secy.